

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

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69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Canjilon Creek, Section 3

Subfile No.: CHCJ-003-0071

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

JOLLY FAMILY TRUST

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Canjilon Creek, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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OFFICE OF THE STATE ENGINEER
LEGAL SERVICES DIVISION

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama

Stream System, Canjilon Creek, Section 3, are set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 0611

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: OTRA VANDA DITCH: Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: OTRA VANDA DITCH

Location X: 1,583,583 feet **Y:** 1,981,520 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location and Amount of Irrigated Acreage:

Section 07, Township 26N, Range 05E, N.M.P.M.

Pt. SE¼	26.8 acres
Pt. SW¼	17.5 acres
Total	44.3 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.:
CHCJ-003-0071.

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

B. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) 0611

Priority: NONE

Source of Water: OTRA VANDA DITCH: Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch Name: OTRA VANDA DITCH

Location X: 1,583,583 feet **Y:** 1,981,520 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location and Amount of Acreage

Section 07, Township 26N, Range 05E, N.M.P.M.

Pt. SE¼	8.9 acres
Total	8.9 acres

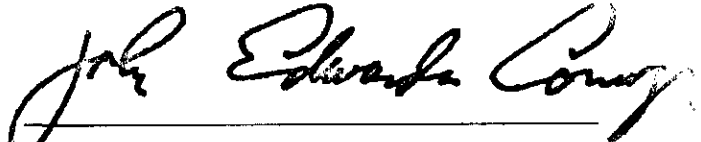
As shown on the attached revised Hydrographic Survey Map for Subfile No.:
CHCJ-003-0071.

Amount of Water: NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System,
Canjilon Creek, Section 3, other than those set forth in this order and those other orders
entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be
enjoined from any use of the surface waters of the Rio Chama Stream System,
Canjilon Creek, Section 3, except in strict accordance with the water rights described
herein.
7. The water rights described herein, if any, are adjudicated subject to the right of
any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the
waters of the Rio Chama Stream System, Canjilon Creek, Section 3, are as set forth herein.
The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from
any diversion or use of the public surface waters of the Rio Chama Stream System,
Canjilon Creek, Section 3, except in strict accordance with the rights set forth herein or in
other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.


UNITED STATES DISTRICT JUDGE

Recommended for approval:


SPECIAL MASTER

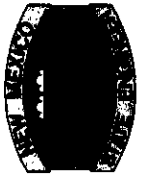
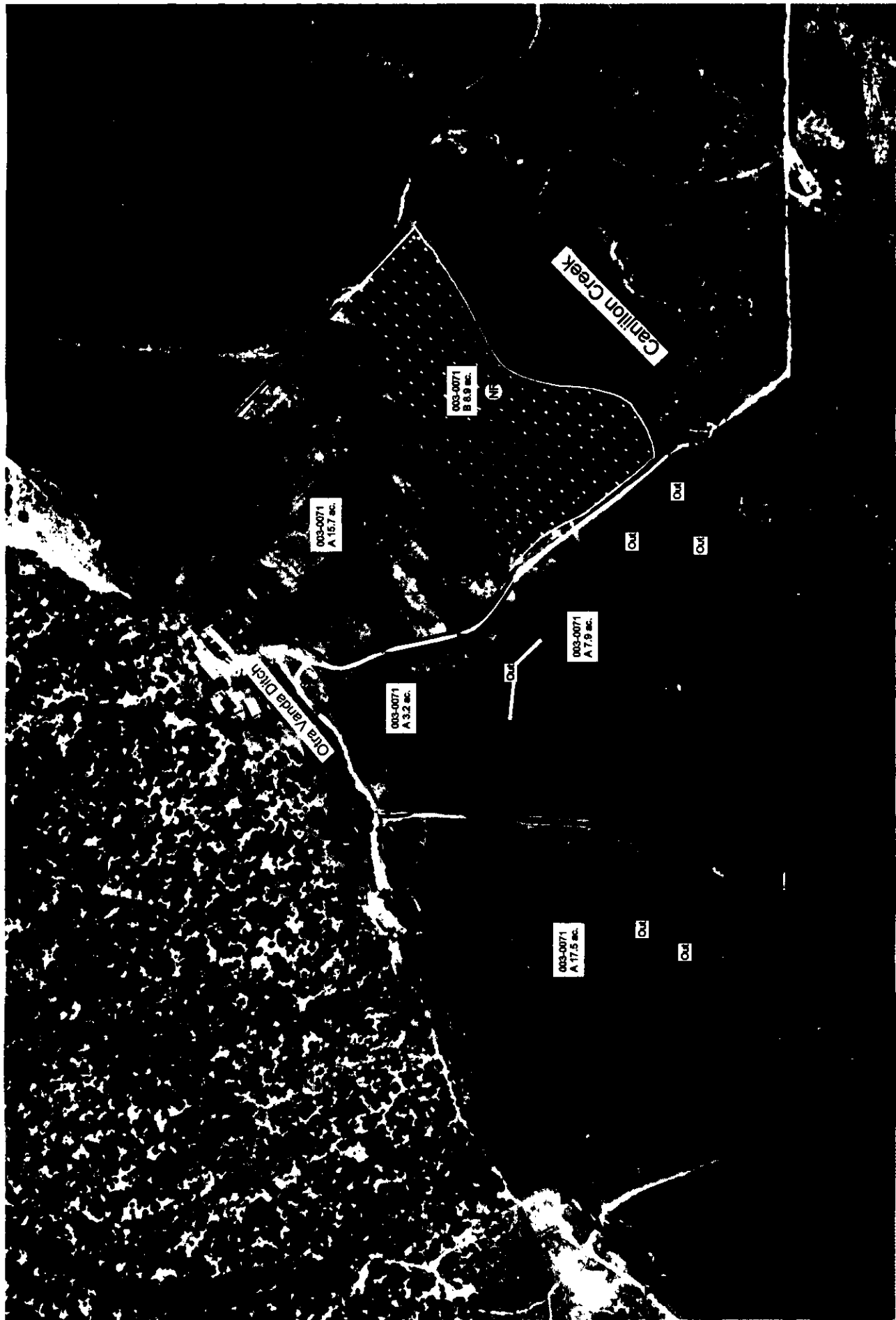
ACCEPTED:  - TRUSTEE JOLLY FAMILY TRUST
JOLLY FAMILY TRUST

ADDRESS: PO Box 518
Co Rd 302 #50
CANJILON, N.M. 87515

DATE: 10-5-01

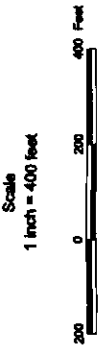

EDWARD G. NEWVILLE
Special Assistant Attorney General

10-15-01
Date



Subfile Number
CHCJ-003-0071
Ora Vanda Ditch
Amended Sept. 21, 2001

STATE OF NEW MEXICO
Office of the State Engineer
Thomas C. Turney, State Engineer
Rio Chama Hydrographic Survey
CANJILON CREEK SECTION



- Legend
- ⊖ Irrigated Tract Boundary
 - ⊖ No Right Tract Boundary
 - ⊖ Operable Ditch
 - ⊖ Inoperable Ditch
 - ⊖ Stock Pond / Reservoir
 - ⊖ Point of Diversion
 - ⊖ Fallow
 - ⊖ No Right